

1 AN ACT relating to the Interstate Medical Licensure Compact.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO  
4 READ AS FOLLOWS:

5 *The Interstate Medical Licensure Compact is hereby enacted and entered into with all*  
6 *other jurisdictions that legally join in the Compact, which is, in form, substantially as*  
7 *follows:*

8 *ARTICLE I*

9 *PURPOSE*

10 *In order to strengthen access to health care, and in recognition of the advances in the*  
11 *delivery of health care, the member states of the Interstate Medical Licensure Compact*  
12 *have allied in common purpose to develop a comprehensive process that complements*  
13 *the existing licensing and regulatory authority of state medical boards and provides a*  
14 *streamlined process that allows physicians to become licensed in multiple states,*  
15 *thereby enhancing the portability of a medical license and ensuring the safety of*  
16 *patients. The Compact creates another pathway for licensure and does not otherwise*  
17 *change a state's existing Medical Practice Act. The Compact also adopts the prevailing*  
18 *standard for licensure and affirms that the practice of medicine occurs where the*  
19 *patient is located at the time of the physician-patient encounter and therefore requires*  
20 *the physician to be under the jurisdiction of the state medical board where the patient*  
21 *is located. State medical boards that participate in the Compact retain the jurisdiction*  
22 *to impose an adverse action against a license to practice medicine in that state issued to*  
23 *a physician through the procedures in the Compact.*

24 *ARTICLE II*

25 *DEFINITIONS*

26 *As used in this compact:*

27 *(1) "Bylaws" means those bylaws established by the Interstate Commission pursuant*

1 to Article XI for its governance, or for directing and controlling its actions and  
2 conduct.

3 (2) "Commissioner" means the voting representative appointed by each member  
4 board pursuant to Article XI.

5 (3) "Conviction" means a finding by a court that an individual is guilty of a  
6 criminal offense through adjudication, or entry of a plea of guilt or no contest to  
7 the charge by the offender. Evidence of an entry of a conviction of a criminal  
8 offense by the court shall be considered final for purposes of disciplinary action  
9 by a member board.

10 (4) "Expedited license" means a full and unrestricted medical license granted by a  
11 member state to an eligible physician through the process set forth in the  
12 Compact.

13 (5) "Interstate Commission" means the interstate commission created pursuant to  
14 Article XI.

15 (6) "License" means authorization by a state for a physician to engage in the  
16 practice of medicine, which would be unlawful without the authorization.

17 (7) "Medical Practice Act" means laws and regulations governing the practice of  
18 allopathic and osteopathic medicine within a member state.

19 (8) "Member board" means a state agency in a member state that acts in the  
20 sovereign interests of the state by protecting the public through licensure,  
21 regulation, and education of physicians as directed by the state government.

22 (9) "Member state" means a state that has enacted the Compact.

23 (10) "Physician" means any person who:

24 (a) Is a graduate of a medical school accredited by the Liaison Committee on  
25 Medical Education, the Commission on Osteopathic College Accreditation,  
26 or a medical school listed in the International Medical Education Directory  
27 or its equivalent;

- 1        (b) Passed each component of the United States Medical Licensing  
2        Examination (USMLE) or the Comprehensive Osteopathic Medical  
3        Licensing Examination (COMLEX-USA) within three (3) attempts, or any  
4        of its predecessor examinations accepted by a state medical board as an  
5        equivalent examination for licensure purposes;
- 6        (c) Successfully completed graduate medical education approved by the  
7        Accreditation Council for Graduate Medical Education or the American  
8        Osteopathic Association;
- 9        (d) Holds specialty certification or a time-unlimited specialty certificate  
10       recognized by the American Board of Medical Specialties or the American  
11       Osteopathic Association's Bureau of Osteopathic Specialists;
- 12       (e) Possesses a full and unrestricted license to engage in the practice of  
13       medicine issued by a member board;
- 14       (f) Has never been convicted, received adjudication, deferred adjudication,  
15       community supervision, or deferred disposition for any offense by a court of  
16       appropriate jurisdiction;
- 17       (g) Has never held a license authorizing the practice of medicine subjected to  
18       discipline by a licensing agency in any state, federal, or foreign jurisdiction,  
19       excluding any action related to nonpayment of fees related to a license;
- 20       (h) Has never had a controlled substance license or permit suspended or  
21       revoked by a state or the United States Drug Enforcement Administration;  
22       and
- 23       (i) Is not under active investigation by a licensing agency or law enforcement  
24       authority in any state, federal, or foreign jurisdiction.
- 25       (11) "Practice of medicine" means the clinical prevention, diagnosis, or treatment of  
26       human disease, injury, or condition requiring a physician to obtain and maintain  
27       a license in compliance with the Medical Practice Act of a member state.

1 (12) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

2 (13) "Rule" means a written statement by the Interstate Commission promulgated  
3 pursuant to Article XII of the Compact that is of general applicability,  
4 implements, interprets, or prescribes a policy or provision of the Compact, or an  
5 organizational, procedural, or practice requirement of the Interstate Commission,  
6 and has the force and effect of statutory law in a member state, and includes the  
7 amendment, repeal, or suspension of an existing rule.

8 (14) "State" means any state, commonwealth, district, or territory of the United  
9 States.

10 (15) "State of principal license" means a member state where a physician holds a  
11 license to practice medicine and which has been designated as such by the  
12 physician for purposes of registration and participation in the Compact.

### 13 ARTICLE III

#### 14 ELIGIBILITY

15 (1) A physician shall meet the eligibility requirements as defined in Article II to  
16 receive an expedited license under the terms and provisions of the Compact.

17 (2) A physician who does not meet the requirements of Article II may obtain a  
18 license to practice medicine in a member state if the individual complies with all  
19 laws and requirements, other than the Compact, relating to the issuance of a  
20 license to practice medicine in that state.

### 21 ARTICLE IV

#### 22 DESIGNATION OF STATE OF PRINCIPAL LICENSE

23 (1) A physician shall designate a member state as the state of principal license for  
24 purposes of registration for expedited licensure through the Compact if the  
25 physician possesses a full and unrestricted license to practice medicine in that  
26 state, and the state is:

27 (a) The state of primary residence for the physician;

1 (b) The state where at least twenty-five percent (25%) of the practice of  
2 medicine occurs;

3 (c) The location of the physician's employer; or

4 (d) If no state qualifies under paragraph (a), paragraph (b), or paragraph (c),  
5 the state designated as state of residence for purpose of federal income tax.

6 (2) A physician may redesignate a member state as state of principal license at any  
7 time, as long as the state meets the requirements in subsection (1).

8 (3) The Interstate Commission is authorized to develop rules to facilitate  
9 redesignation of another member state as the state of principal license.

#### 10 ARTICLE V

#### 11 APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

12 (1) A physician seeking licensure through the Compact shall file an application for  
13 an expedited license with the member board of the state selected by the physician  
14 as the state of principal license.

15 (2) Upon receipt of an application for an expedited license, the member board within  
16 the state selected as the state of principal license shall evaluate whether the  
17 physician is eligible for expedited licensure and issue a letter of qualification,  
18 verifying or denying the physician's eligibility, to the Interstate Commission.

19 (a) Static qualifications, which include verification of medical education,  
20 graduate medical education, results of any medical or licensing  
21 examination, and other qualifications as determined by the Interstate  
22 Commission through rule, shall not be subject to additional primary source  
23 verification where already primary source verified by the state of principal  
24 license.

25 (b) The member board within the state selected as the state of principal license  
26 shall, in the course of verifying eligibility, perform a criminal background  
27 check of an applicant, including the use of the results of fingerprint or

1 other biometric data checks compliant with the requirements of the Federal  
 2 Bureau of Investigation, with the exception of federal employees who have  
 3 suitability determination in accordance with 5 C.F.R. sec. 731.202.

4 (c) Appeal on the determination of eligibility shall be made to the member state  
 5 where the application was filed and shall be subject to the law of that state.

6 (3) Upon verification in subsection (2), physicians eligible for an expedited license  
 7 shall complete the registration process established by the Interstate Commission  
 8 to receive a license in a member state selected pursuant to subsection (1),  
 9 including the payment of any applicable fees.

10 (4) After receiving verification of eligibility under subsection (2) and any fees under  
 11 subsection (3), a member board shall issue an expedited license to the physician.  
 12 This license shall authorize the physician to practice medicine in the issuing state  
 13 consistent with the Medical Practice Act and all applicable laws and regulations  
 14 of the issuing member board and member state.

15 (5) An expedited license shall be valid for a period consistent with the licensure  
 16 period in the member state and in the same manner as required for other  
 17 physicians holding a full and unrestricted license within the member state.

18 (6) An expedited license obtained through the Compact shall be terminated if a  
 19 physician fails to maintain a license in the state of principal licensure for a  
 20 nondisciplinary reason, without redesignation of a new state of principal  
 21 licensure.

22 (7) The Interstate Commission is authorized to develop rules regarding the  
 23 application process, including payment of any applicable fees, and the issuance  
 24 of an expedited license.

## ARTICLE VI

### FEES FOR EXPEDITED LICENSURE

27 (1) A member state issuing an expedited license authorizing the practice of medicine

1 in that state may impose a fee for a license issued or renewed through the  
2 Compact.

3 (2) The Interstate Commission is authorized to develop rules regarding fees for  
4 expedited licenses.

## 5 ARTICLE VII

### 6 RENEWAL AND CONTINUED PARTICIPATION

7 (1) A physician seeking to renew an expedited license granted in a member state  
8 shall complete a renewal process with the Interstate Commission if the physician:

9 (a) Maintains a full and unrestricted license in a state of principal license;

10 (b) Has not been convicted or received adjudication, deferred adjudication,  
11 community supervision, or deferred disposition for any offense by a court of  
12 appropriate jurisdiction;

13 (c) Has not had a license authorizing the practice of medicine subject to  
14 discipline by a licensing agency in any state, federal, or foreign jurisdiction,  
15 excluding any action related to nonpayment of fees related to a license; and

16 (d) Has not had a controlled substance license or permit suspended or revoked  
17 by a state or the United States Drug Enforcement Administration.

18 (2) Physicians shall comply with all continuing professional development or  
19 continuing medical education requirements for renewal of a license issued by a  
20 member state.

21 (3) The Interstate Commission shall collect any renewal fees charged for the renewal  
22 of a license and distribute the fees to the applicable member board.

23 (4) Upon receipt of any renewal fees collected in subsection (3), a member board  
24 shall renew the physician's license.

25 (5) Physician information collected by the Interstate Commission during the renewal  
26 process shall be distributed to all member boards.

27 (6) The Interstate Commission is authorized to develop rules to address renewal of

1 licenses obtained through the Compact.

2 ARTICLE VIII

3 COORDINATED INFORMATION SYSTEM

4 (1) The Interstate Commission shall establish a database of all physicians licensed,  
5 or who have applied for licensure, under Article V.

6 (2) Notwithstanding any other provision of law, member boards shall report to the  
7 Interstate Commission any public action or complaints against a licensed  
8 physician who has applied or received an expedited license through the Compact.

9 (3) Member boards shall report disciplinary or investigatory information determined  
10 as necessary and proper by rule of the Interstate Commission.

11 (4) Member boards may report any nonpublic complaint, disciplinary, or  
12 investigatory information not required by subsection (3) to the Interstate  
13 Commission.

14 (5) Member boards shall share complaint or disciplinary information about a  
15 physician upon request of another member board.

16 (6) All information provided to the Interstate Commission or distributed by member  
17 boards shall be confidential, filed under seal, and used only for investigatory or  
18 disciplinary matters.

19 (7) The Interstate Commission is authorized to develop rules for mandated or  
20 discretionary sharing of information by member boards.

21 ARTICLE IX

22 JOINT INVESTIGATIONS

23 (1) Licensure and disciplinary records of physicians are deemed investigative.

24 (2) In addition to the authority granted to a member board by its respective Medical  
25 Practice Act or other applicable state law, a member board may participate with  
26 other member boards in joint investigations of physicians licensed by the member  
27 boards.



1 (3) A subpoena issued by a member state shall be enforceable in other member  
2 states.

3 (4) Member boards may share any investigative, litigation, or compliance materials  
4 in furtherance of any joint or individual investigation initiated under the  
5 Compact.

6 (5) Any member state may investigate actual or alleged violations of the statutes  
7 authorizing the practice of medicine in any other member state in which a  
8 physician holds a license to practice medicine.

9 ARTICLE X

10 DISCIPLINARY ACTIONS

11 (1) Any disciplinary action taken by any member board against a physician licensed  
12 through the Compact shall be deemed unprofessional conduct which may be  
13 subject to discipline by other member boards, in addition to any violation of the  
14 Medical Practice Act or regulations in that state.

15 (2) If a license granted to a physician by the member board in the state of principal  
16 license is revoked, surrendered or relinquished in lieu of discipline, or suspended,  
17 then all licenses issued to the physician by member boards shall automatically be  
18 placed, without further action necessary by any member board, on the same  
19 status. If the member board in the state of principal license subsequently  
20 reinstates the physician's license, a license issued to the physician by any other  
21 member board shall remain encumbered until that respective member board  
22 takes action to reinstate the license in a manner consistent with the Medical  
23 Practice Act of that state.

24 (3) If disciplinary action is taken against a physician by a member board not in the  
25 state of principal license, any other member board may deem the action  
26 conclusive as to matter of law and fact decided, and:

27 (a) Impose the same or lesser sanctions against the physician so long as such

- 1           sanctions are consistent with the Medical Practice Act of that state; or  
 2           (b) Pursue separate disciplinary action against the physician under its  
 3           respective Medical Practice Act, regardless of the action taken in other  
 4           member states.
- 5           (4) If a license granted to a physician by a member board is revoked, surrendered or  
 6           relinquished in lieu of discipline, or suspended, then any licenses issued to the  
 7           physician by any other member boards shall be suspended, automatically and  
 8           immediately without further action necessary by the other member boards, for  
 9           ninety (90) days upon entry of the order by the disciplining board, to permit the  
 10           member boards to investigate the basis for the action under the Medical Practice  
 11           Act of that state. A member board may terminate the automatic suspension of the  
 12           license it issued prior to the completion of the ninety (90) day suspension period  
 13           in a manner consistent with the Medical Practice Act of that state.

#### ARTICLE XI

##### INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

- 16           (1) The member states hereby create the "Interstate Medical Licensure Compact  
 17           Commission."
- 18           (2) The purpose of the Interstate Commission is the administration of the Interstate  
 19           Medical Licensure Compact, which is a discretionary state function.
- 20           (3) The Interstate Commission shall be a body corporate and joint agency of the  
 21           member states and shall have all the responsibilities, powers, and duties set forth  
 22           in the Compact, and such additional powers as may be conferred upon it by a  
 23           subsequent concurrent action of the respective legislatures of the member states  
 24           in accordance with the terms of the Compact.
- 25           (4) The Interstate Commission shall consist of two (2) voting representatives  
 26           appointed by each member state who shall serve as commissioners. In states  
 27           where allopathic and osteopathic physicians are regulated by separate member

- 1 boards, or if the licensing and disciplinary authority is split between multiple  
2 member boards within a member state, the member state shall appoint one (1)  
3 representative from each member board. A commissioner shall be an:  
4 (a) Allopathic or osteopathic physician appointed to a member board;  
5 (b) Executive director, executive secretary, or similar executive of a member  
6 board; or  
7 (c) Member of the public appointed to a member board.
- 8 (5) The Interstate Commission shall meet at least once each calendar year. A portion  
9 of this meeting shall be a business meeting to address such matters as may  
10 properly come before the Commission, including the election of officers. The  
11 chairperson may call additional meetings and shall call for a meeting upon the  
12 request of a majority of the member states.
- 13 (6) The bylaws may provide for meetings of the Interstate Commission to be  
14 conducted by telecommunication or electronic communication.
- 15 (7) Each commissioner participating at a meeting of the Interstate Commission is  
16 entitled to one (1) vote. A majority of commissioners shall constitute a quorum  
17 for the transaction of business, unless a larger quorum is required by the bylaws  
18 of the Interstate Commission. A commissioner shall not delegate a vote to  
19 another commissioner. In the absence of its commissioner, a member state may  
20 delegate voting authority for a specified meeting to another person from that state  
21 who shall meet the requirements of subsection (4).
- 22 (8) The Interstate Commission shall provide public notice of all meetings and all  
23 meetings shall be open to the public. The Interstate Commission may close a  
24 meeting, in full or in portion, where it determines by a two-thirds (2/3) vote of the  
25 commissioners present that an open meeting would be likely to:  
26 (a) Relate solely to the internal personnel practices and procedures of the  
27 Interstate Commission;

1 (b) Discuss matters specifically exempted from disclosure by federal statute;

2 (c) Discuss trade secrets, commercial, or financial information that is  
3 privileged or confidential;

4 (d) Involve accusing a person of a crime, or formally censuring a person;

5 (e) Discuss information of a personal nature where disclosure would constitute  
6 a clearly unwarranted invasion of personal privacy;

7 (f) Discuss investigative records compiled for law enforcement purposes; or

8 (g) Specifically relate to the participation in a civil action or other legal  
9 proceeding.

10 (9) The Interstate Commission shall keep minutes which shall fully describe all  
11 matters discussed in a meeting and shall provide a full and accurate summary of  
12 actions taken, including record of any roll call votes.

13 (10) The Interstate Commission shall make its information and official records, to the  
14 extent not otherwise designated in the Compact or by its rules, available to the  
15 public for inspection.

16 (11) The Interstate Commission shall establish an executive committee, which shall  
17 include officers, members, and others as determined by the bylaws. The executive  
18 committee shall have the power to act on behalf of the Interstate Commission,  
19 with the exception of rulemaking, during periods when the Interstate  
20 Commission is not in session. When acting on behalf of the Interstate  
21 Commission, the executive committee shall oversee the administration of the  
22 Compact including enforcement and compliance with the provisions of the  
23 Compact, its bylaws and rules, and other such duties as necessary.

24 (12) The Interstate Commission may establish other committees for governance and  
25 administration of the Compact.

26 ARTICLE XII

27 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

- 1 *The Interstate Commission shall have the duty and power to:*
- 2 *(1) Oversee and maintain the administration of the Compact;*
- 3 *(2) Promulgate rules which shall be binding to the extent and in the manner*
- 4 *provided for in the Compact;*
- 5 *(3) Issue, upon the request of a member state or member board, advisory opinions*
- 6 *concerning the meaning or interpretation of the Compact, its bylaws, rules, and*
- 7 *actions;*
- 8 *(4) Enforce compliance with Compact provisions, the rules promulgated by the*
- 9 *Interstate Commission, and the bylaws, using all necessary and proper means,*
- 10 *including but not limited to the use of judicial process;*
- 11 *(5) Establish and appoint committees, including but not limited to an executive*
- 12 *committee as required by Article XI, which shall have the power to act on behalf*
- 13 *of the Interstate Commission in carrying out its powers and duties;*
- 14 *(6) Pay, or provide for the payment of, the expenses related to the establishment,*
- 15 *organization, and ongoing activities of the Interstate Commission;*
- 16 *(7) Establish and maintain one (1) or more offices;*
- 17 *(8) Borrow, accept, hire, or contract for services of personnel;*
- 18 *(9) Purchase and maintain insurance and bonds;*
- 19 *(10) Employ an executive director who shall have the powers to employ, select or*
- 20 *appoint employees, agents, or consultants, and to determine their qualifications,*
- 21 *define their duties, and fix their compensation;*
- 22 *(11) Establish personnel policies and programs relating to conflicts of interest, rates*
- 23 *of compensation, and qualifications of personnel;*
- 24 *(12) Accept donations and grants of money, equipment, supplies, materials and*
- 25 *services, and to receive, utilize, and dispose of them in a manner consistent with*
- 26 *the conflict of interest policies established by the Interstate Commission;*
- 27 *(13) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,*

- 1 improve or use, any property, real, personal, or mixed;  
2 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
3 any property, real, personal, or mixed;  
4 (15) Establish a budget and make expenditures;  
5 (16) Adopt a seal and bylaws governing the management and operation of the  
6 Interstate Commission;  
7 (17) Report annually to the legislatures and governors of the member states  
8 concerning the activities of the Interstate Commission during the preceding year.  
9 Such reports shall also include reports of financial audits and any  
10 recommendations that may have been adopted by the Interstate Commission;  
11 (18) Coordinate education, training, and public awareness regarding the Compact, its  
12 implementation, and its operation;  
13 (19) Maintain records in accordance with the bylaws;  
14 (20) Seek and obtain trademarks, copyrights, and patents; and  
15 (21) Perform such functions as may be necessary or appropriate to achieve the  
16 purposes of the Compact.

17 ARTICLE XIII

18 FINANCE POWERS

- 19 (1) The Interstate Commission may levy on and collect an annual assessment from  
20 each member state to cover the cost of the operations and activities of the  
21 Interstate Commission and its staff. The total assessment shall be sufficient to  
22 cover the annual budget approved each year for which revenue is not provided by  
23 other sources. The aggregate annual assessment amount shall be allocated upon  
24 a formula to be determined by the Interstate Commission, which shall  
25 promulgate a rule binding upon all member states.  
26 (2) The Interstate Commission shall not incur obligations of any kind prior to  
27 securing the funds adequate to meet the same.

1 (3) The Interstate Commission shall not pledge the credit of any of the member  
2 states, except by, and with the authority of, the member state.

3 (4) The Interstate Commission shall be subject to a yearly financial audit conducted  
4 by a certified or licensed public accountant and the report of the audit shall be  
5 included in the annual report of the Interstate Commission.

6 ARTICLE XIV

7 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

8 (1) The Interstate Commission shall, by a majority of commissioners present and  
9 voting, adopt bylaws to govern its conduct as may be necessary or appropriate to  
10 carry out the purposes of the Compact within twelve (12) months of the first  
11 Interstate Commission meeting.

12 (2) The Interstate Commission shall elect or appoint annually from among its  
13 commissioners a chairperson, a vice chairperson, and a treasurer, each of whom  
14 shall have such authority and duties as may be specified in the bylaws. The  
15 chairperson, or in the chairperson's absence or disability, the vice chairperson,  
16 shall preside at all meetings of the Interstate Commission.

17 (3) Officers selected in subsection (2) shall serve without remuneration from the  
18 Interstate Commission.

19 (4) The officers and employees of the Interstate Commission shall be immune from  
20 suit and liability, either personally or in their official capacity, for a claim for  
21 damage to or loss of property or personal injury or other civil liability caused or  
22 arising out of, or relating to, an actual or alleged act, error, or omission that  
23 occurred, or that such person had a reasonable basis for believing occurred,  
24 within the scope of Interstate Commission employment, duties, or responsibilities,  
25 provided that such person shall not be protected from suit or liability for damage,  
26 loss, injury, or liability caused by the intentional or willful and wanton  
27 misconduct of such person.

1       (a) The liability of the executive director and employees of the Interstate  
2       Commission or representatives of the Interstate Commission, acting within  
3       the scope of their employment or duties for acts, errors, or omissions  
4       occurring within their state, may not exceed the limits of liability set forth  
5       under the constitution and laws of that state for state officials, employees,  
6       and agents. The Interstate Commission is considered to be an  
7       instrumentality of the states for the purposes of any such action. Nothing in  
8       this subsection shall be construed to protect such person from suit or  
9       liability for damage, loss, injury, or liability caused by the intentional or  
10       willful and wanton misconduct of such person.

11       (b) The Interstate Commission shall defend the executive director, its  
12       employees, and subject to the approval of the attorney general or other  
13       appropriate legal counsel of the member state represented by an Interstate  
14       Commission representative, shall defend such Interstate Commission  
15       representative in any civil action seeking to impose liability arising out of an  
16       actual or alleged act, error or omission that occurred within the scope of  
17       Interstate Commission employment, duties or responsibilities, or that the  
18       defendant had a reasonable basis for believing occurred within the scope of  
19       Interstate Commission employment, duties, or responsibilities, provided that  
20       the actual or alleged act, error, or omission did not result from intentional  
21       or willful and wanton misconduct on the part of such person.

22       (c) To the extent not covered by the state involved, member state, or the  
23       Interstate Commission, the representatives or employees of the Interstate  
24       Commission shall be held harmless in the amount of a settlement or  
25       judgment, including attorney's fees and costs, obtained against such  
26       persons arising out of an actual or alleged act, error, or omission that  
27       occurred within the scope of Interstate Commission employment, duties, or



1 responsibilities, or that such persons had a reasonable basis for believing  
2 occurred within the scope of Interstate Commission employment, duties, or  
3 responsibilities, provided that the actual or alleged act, error, or omission  
4 did not result from intentional or willful and wanton misconduct on the part  
5 of such persons.

#### 6 ARTICLE XV

##### 7 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

8 (1) The Interstate Commission shall promulgate reasonable rules in order to  
9 effectively and efficiently achieve the purposes of the Compact. Notwithstanding  
10 the foregoing, in the event the Interstate Commission exercises its rulemaking  
11 authority in a manner that is beyond the scope of the purposes of the Compact, or  
12 the powers granted hereunder, then such an action by the Interstate Commission  
13 shall be invalid and have no force or effect.

14 (2) Rules deemed appropriate for the operations of the Interstate Commission shall  
15 be made pursuant to a rulemaking process that substantially conforms to the  
16 "Model State Administrative Procedure Act" of 2010, and subsequent  
17 amendments thereto.

18 (3) Not later than thirty (30) days after a rule is promulgated, any person may file a  
19 petition for judicial review of the rule in the United States District Court for the  
20 District of Columbia or the federal district where the Interstate Commission has  
21 its principal offices, provided that the filing of such a petition shall not stay or  
22 otherwise prevent the rule from becoming effective unless the court finds that the  
23 petitioner has a substantial likelihood of success. The court shall give deference  
24 to the actions of the Interstate Commission consistent with applicable law and  
25 shall not find the rule to be unlawful if the rule represents a reasonable exercise  
26 of the authority granted to the Interstate Commission.

#### 27 ARTICLE XVI

1                                    **OVERSIGHT OF INTERSTATE COMPACT**

- 2    **(1) The executive, legislative, and judicial branches of state government in each**  
3    **member state shall enforce the Compact and shall take all actions necessary and**  
4    **appropriate to effectuate the Compact's purposes and intent. The provisions of**  
5    **the Compact and the rules promulgated hereunder shall have standing as**  
6    **statutory law but shall not override existing state authority to regulate the**  
7    **practice of medicine.**
- 8    **(2) All courts shall take judicial notice of the Compact and the rules in any judicial**  
9    **or administrative proceeding in a member state pertaining to the subject matter of**  
10   **the Compact which may affect the powers, responsibilities or actions of the**  
11   **Interstate Commission.**
- 12   **(3) The Interstate Commission shall be entitled to receive all service of process in any**  
13   **such proceeding, and shall have standing to intervene in the proceeding for all**  
14   **purposes. Failure to provide service of process to the Interstate Commission shall**  
15   **render a judgment or order void as to the Interstate Commission, the Compact, or**  
16   **promulgated rules.**

17                                    **ARTICLE XVII**

18                                    **ENFORCEMENT OF INTERSTATE COMPACT**

- 19   **(1) The Interstate Commission, in the reasonable exercise of its discretion, shall**  
20   **enforce the provisions and rules of the Compact.**
- 21   **(2) The Interstate Commission may, by majority vote of the commissioners, initiate**  
22   **legal action in the United States District Court for the District of Columbia, or, at**  
23   **the discretion of the Interstate Commission, in the federal district where the**  
24   **Interstate Commission has its principal offices, to enforce compliance with the**  
25   **provisions of the Compact, and its promulgated rules and bylaws, against a**  
26   **member state in default. The relief sought may include both injunctive relief and**  
27   **damages. In the event judicial enforcement is necessary, the prevailing party**

1 shall be awarded all costs of such litigation including reasonable attorney's fees.

2 (3) The remedies herein shall not be the exclusive remedies of the Interstate  
3 Commission. The Interstate Commission may avail itself of any other remedies  
4 available under state law or the regulation of a profession.

5 ARTICLE XVIII

6 DEFAULT PROCEDURES

7 (1) The grounds for default include, but are not limited to, failure of a member state  
8 to perform such obligations or responsibilities imposed upon it by the Compact,  
9 or the rules and bylaws of the Interstate Commission promulgated under the  
10 Compact.

11 (2) If the Interstate Commission determines that a member state has defaulted in the  
12 performance of its obligations or responsibilities under the Compact, or the  
13 bylaws or promulgated rules, the Interstate Commission shall:

14 (a) Provide written notice to the defaulting state and other member states, of  
15 the nature of the default, the means of curing the default, and any action  
16 taken by the Interstate Commission. The Interstate Commission shall  
17 specify the conditions by which the defaulting state must cure its default;  
18 and

19 (b) Provide remedial training and specific technical assistance regarding the  
20 default.

21 (3) If the defaulting state fails to cure the default, the defaulting state shall be  
22 terminated from the Compact upon an affirmative vote of a majority of the  
23 commissioners and all rights, privileges, and benefits conferred by the Compact  
24 shall terminate on the effective date of termination. A cure of the default does not  
25 relieve the offending state of obligations or liabilities incurred during the period  
26 of the default.

27 (4) Termination of membership in the Compact shall be imposed only after all other

1 means of securing compliance have been exhausted. Notice of intent to terminate  
2 shall be given by the Interstate Commission to the governor, the majority and  
3 minority leaders of the defaulting state's legislature, and each of the member  
4 states.

5 (5) The Interstate Commission shall establish rules and procedures to address  
6 licenses and physicians that are materially impacted by the termination of a  
7 member state, or the withdrawal of a member state.

8 (6) The member state which has been terminated is responsible for all dues,  
9 obligations, and liabilities incurred through the effective date of termination  
10 including obligations, the performance of which extends beyond the effective date  
11 of termination.

12 (7) The Interstate Commission shall not bear any costs relating to any state that has  
13 been found to be in default or which has been terminated from the Compact,  
14 unless otherwise mutually agreed upon in writing between the Interstate  
15 Commission and the defaulting state.

16 (8) The defaulting state may appeal the action of the Interstate Commission by  
17 petitioning the United States District Court for the District of Columbia or the  
18 federal district where the Interstate Commission has its principal offices. The  
19 prevailing party shall be awarded all costs of such litigation including reasonable  
20 attorney's fees.

## 21 ARTICLE XIX

### 22 DISPUTE RESOLUTION

23 (1) The Interstate Commission shall attempt, upon the request of a member state, to  
24 resolve disputes which are subject to the Compact and which may arise among  
25 member states or member boards.

26 (2) The Interstate Commission shall promulgate rules providing for both mediation  
27 and binding dispute resolution as appropriate.

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ARTICLE XX

MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

- (1) Any state is eligible to become a member state of the Compact.
- (2) The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than seven (7) states. Thereafter, it shall become effective and binding on a state upon enactment of the Compact into law by that state.
- (3) The governors of nonmember states, or their designees, shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the Compact by all states.
- (4) The Interstate Commission may propose amendments to the Compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XXI

WITHDRAWAL

- (1) Once effective, the Compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the Compact by specifically repealing the statute which enacted the Compact into law.
- (2) Withdrawal from the Compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.
- (3) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact in the withdrawing state.

1 (4) The Interstate Commission shall notify the other member states of the  
2 withdrawing state's intent to withdraw within sixty (60) days of its receipt of  
3 notice provided under subsection (3).

4 (5) The withdrawing state is responsible for all dues, obligations and liabilities  
5 incurred through the effective date of withdrawal, including obligations, the  
6 performance of which extend beyond the effective date of withdrawal.

7 (6) Reinstatement following withdrawal of a member state shall occur upon the  
8 withdrawing state reenacting the Compact or upon such later date as determined  
9 by the Interstate Commission.

10 (7) The Interstate Commission is authorized to develop rules to address the impact of  
11 the withdrawal of a member state on licenses granted in other member states to  
12 physicians who designated the withdrawing member state as the state of principal  
13 license.

14 ARTICLE XXII

15 DISSOLUTION

16 (1) The Compact shall dissolve effective upon the date of the withdrawal or default of  
17 the member state which reduces the membership in the Compact to one (1)  
18 member state.

19 (2) Upon the dissolution of the Compact, the Compact becomes null and void and  
20 shall be of no further force or effect, and the business and affairs of the  
21 Interstate Commission shall be concluded and surplus funds shall be distributed  
22 in accordance with the bylaws.

23 ARTICLE XXIII

24 SEVERABILITY AND CONSTRUCTION

25 (1) The provisions of the Compact shall be severable, and if any phrase, clause,  
26 sentence, or provision is deemed unenforceable, the remaining provisions of the  
27 Compact shall be enforceable.

1 (2) The provisions of the Compact shall be liberally construed to effectuate its  
2 purposes.

3 (3) Nothing in the Compact shall be construed to prohibit the applicability of other  
4 interstate compacts to which the states are members.

5 ARTICLE XXIV

6 BINDING EFFECT OF COMPACT AND OTHER LAWS

7 (1) Nothing herein prevents the enforcement of any other law of a member state that  
8 is not inconsistent with the Compact.

9 (2) All laws in a member state in conflict with the Compact are superseded to the  
10 extent of the conflict.

11 (3) All lawful actions of the Interstate Commission, including all rules and bylaws  
12 promulgated by the Commission, are binding upon the member states.

13 (4) All agreements between the Interstate Commission and the member states are  
14 binding in accordance with their terms.

15 (5) In the event any provision of the Compact exceeds the constitutional limits  
16 imposed on the legislature of any member state, such provision shall be  
17 ineffective to the extent of the conflict with the constitutional provision in  
18 question in that member state.